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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,181	02/07/2002	Jae Duck Kim	9794440-1000	1291

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SONNENSCHN NATH & ROSENTHAL LLP
P.O. BOX 061080
WACKER DRIVE STATION, SEARS TOWER
CHICAGO, IL 60606-1080

EXAMINER

DICUS, TAMRA

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/072,181

Applicant(s)

KIM, JAE DUCK

Examiner

Tamra L. Dicus

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 and 62-67 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 and 62-67 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The prior rejections are withdrawn.

Claim Objections

1. Claims 14-17, 19, 21, 23-24, 28-31, 33, 35, and 37-38 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The claims do not constitute a further limitation because the claims do not refer to a preceding claim. See also MPEP 608.01 (n).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-8, 11, 13-20, 23, 25-34, and 37 and are rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,280,553 to Yang.

4. Yang teaches a decal sheet comprising: an image on a surface, wherein the image has a shape (16, 15, or 14, FIG. 2 and associated text, Yang), release paper on the surface over the image (11, FIG. 2 and associated text, Yang), an adhesive layer on the release paper (12, FIG. 2 and associated text, Yang), wherein the adhesive layer is formed in a shape similar to the image shape (12, FIG. 2 and associated text, Yang); a base layer on the adhesive layer (16, FIG. 2 and

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associated text, Yang), wherein the base layer is formed in a shape similar to the image shape (16, FIG. 2 and associated text, Yang); and another image on the base layer (15, or 14, FIG. 2 and associated text, Yang), wherein the other image is identical to the image and wherein the image and the other image coincide (See FIG. 2 illustrating all five layers 12-16 are images identically shaped in figures such as a butterfly, kangaroo, or seal with a ball on its nose).

Claims 1, 13, 25-27, and 62-67 are met.

Regarding claims 2, 14, 28, Yang teaches the decal sheet of claims 1, 13, and 25, wherein the release paper comprises Teflon, silicone, or any coating material used as a releasing agent (see col. 2, line 50-53, col. 3, line 14, and patented claim 7, Yang “polytetrafluorethylene” is otherwise known as Teflon).

Regarding claims 3, 15, and 29, Yang teaches the decal sheet of claims 1, 13, and 25, wherein the release paper is formed by a silk screen process or a coating process (patented claim 1, Yang).

Regarding claims 4, 16, and 30, Yang teaches the adhesive formed by a silk screen process (patented claim 1, Yang).

Regarding claims 5, 17, and 31, Yang teaches the decal sheet of claims 1, 13, and 25, wherein the base layer is formed by a silk screen process (col. 3, line 4).

Regarding claims 6, 18, and 32, Yang teaches the decal sheet of claims 1, 13, and 25, further comprising a plurality of base layers base layer (10 and 13, FIG. 2, Yang).

Regarding claim 7, 19, 23, 33, and 37, Yang teaches the decal sheet of claims 1, 13, and 25, wherein the base layer comprises a resin (transparent epoxy resin, col. 3, lines 1-5, Yang).

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Regarding claims 8, 20, and 34, Yang teaches the decal sheet of claims 1, 13, and 25 wherein the image is printed on the surface by silk screening (col. 2, lines 65-68, Yang).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 9-10, 21-22, and 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,280,553 to Yang in view of USPN 5,021,275 to Kim.

Yang essentially teaches the claimed invention above.

Regarding claims 9-10, 21-22, and 35-36, Yang teaches the decal sheet of claims 1, 13, and 25 comprising a printed adhesive on a release, but does not teach wherein the adhesive layer comprises an aqueous adhesive or an oily adhesive or wherein the aqueous adhesive comprises an acrylic acid ester polymer.

Kim teaches a decorative sticker where an oily or aqueous adhesive of acrylic acid ester is used as the adhesive formed by silk screening printing because it is easy to remove any adhesive residue which may remain after removal of the sticker (col. 2, lines 40-50).

It would have been obvious to one of ordinary skill in the art to have modified the silk screen printed adhesive of the decal of Yang to further utilize an acrylic acid ester aqueous

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adhesive because Kim teaches an equivalent silk screening printing oily or aqueous adhesive such as acrylic acid ester because it is easy to remove any adhesive residue with may remain after removal of the sticker (Kim, col. 2, lines 40-50).

7. Claims 12, 24, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,280,553 to Yang in view of USPN 5, 851, 614 to Buck.

Yang essentially teaches the claimed invention above.

Regarding claims 12, 24, and 38, Yang teaches the decal sheet of claims 1, 13, and 25 comprising a base but does not teach the base layer is opaque.

Buck teaches a decal including images and adhesive layers where base layers are opaque to provide a uniform background for the ink layers when the decal 10 is affixed via adhesive to the display surface 18 and generally increases the vividness of the ink layers (Buck, col. 4, lines 45-68).

It would have been obvious to one of ordinary skill in the art to have modified the decal of Yang to have utilized an opaque base layer because Buck teaches using base layers that are opaque to provide a uniform background for the ink layers when the decal 10 is affixed via adhesive to the display surface 18 and generally increases the vividness of the ink layers (Buck, col. 4, lines 45-68).

Response to Arguments

8. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

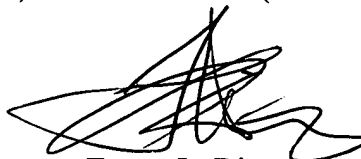
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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamra L. Dicus whose telephone number is 571-272-1519. The examiner can normally be reached on Monday-Friday, 7:00-4:30 p.m., alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tamra L. Dicus
Examiner
Art Unit 1774

4/20/05



RENA DYE
SUPERVISORY PATENT EXAMINER

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5/2/05